NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.

CIS Congressional Information Service, Inc
Washington, D.C.

Calendar No. 595

101ST CONGRESS
2d Session

SENATE

REPORT
101-323

AMENDING THE ZUNI-CIBOLA NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 1988 TO ENLARGE THE TIME IN WHICH THE SECRETARY OF THE INTERIOR MAY ACCEPT A LEASEHOLD INTEREST FOR INCLUSION IN THE PARK

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

---

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2430]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2430) to amend the Zuni-Cibola National Historical Park Establishment Act of 1988 to enlarge the time in which the Secretary of the Interior may accept a leasehold interest for inclusion in the park, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2430, as ordered reported, is to amend the Zuni-Cibola National Historical Park Establishment Act of 1988 to lengthen the time period in which the Secretary of the Interior may accept a leasehold interest in Zuni lands to be included in the park.

BACKGROUND AND NEED

The Zuni-Cibola National Historical Park Establishment Act was enacted in 1988. This Act allowed for certain portions of the Zuni reservation to be designated as the Zuni-Cibola National Historical Park. The national significance of the Zuni culture is well documented. In many studies, Zuni has been identified as a major focal point of the Anasazi culture and as an important center of ethnological studies. Scholars believe that Zuni is one of the most durable and rich Indian cultures in North America. The abundance of physical evidence associated with the Pueblo of Zuni—archeological sites, ruins, sacred lands—spans nearly 2,000 years and forms the framework for today's living Zuni culture.

S313-27

Establishment of the Zuni-Cibola National Historical Park is dependent on members of the Zuni Tribe offering, and the Secretary of the Interior accepting, a leasehold interest in certain lands. The Act will terminate if the leasehold agreements are not final within two years after the enactment of the Act. That limitation is due to expire on October 11, 1990. Members of the Zuni Tribe have expressed an interest in having more time to review and consider the proposed establishment of the park.

S. 2430 would amend the Zuni-Cibola National Historic Park Establishment Act of 1988 to extend the time allowed the Zuni Tribe to offer a leasehold interest to the Secretary from eighteen months after the date of enactment of the Act, to five and a half years after enactment. It also extends the time allowed the Secretary to accept a leasehold interest from two years after the date of enactment of the Act to six years after enactment.

Legislative History

S. 2430 was introduced by Senator Bingaman on April 5, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 2430 on May 1, 1990.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2430 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2430 as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Heflin [1]	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure [1]	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell [1]	

[1] Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 1, 1990.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2430, a bill to amend the Zuni-Cibola National Historical Park Establishment Act of 1988 to enlarge the time in which the Secretary of the Interior may accept a leasehold interest for inclusion in the park. S. 2430 was ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990.

Enactment of the bill would have no impact on the Federal budget or on those of state or local governments. S. 2430 would extend certain statutory deadlines governing the establishment of the Zuni-Cibola National Historical Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert D. Reischauer, *Director.*

Regulatory Impact Evaluation

In compliance with paragraph 11 (b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2430. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2430, as reported.

Executive Communications

On April 12, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2430. These reports had not been received at the time the report on S. 2430 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the committee, it is a pleasure to appear today to discuss S. 2430, a bill to amend the authorization bill for Zuni-Cibola National Historical Park in the State of New Mexico.

The Department of the Interior recommends the enactment of the Senate bill to amend the Zuni Act.

Since the enactment of the authorization act for the establishment of Zuni-Cibola National Historical Park in 1988, the National Park Service has worked very closely with the elected authorities of the Zuni Tribe to prepare a draft statement for management for the park, an interim operation plan and a draft leasehold agreement.

During the process of preparing preliminary documents for the operation of the park, various individuals in the Zuni Tribe became concerned about the details of the proposed leasehold agreement with the Federal Government. The authorizing bill requires that the Zuni Tribe offer a leasehold agreement to the Secretary of the Interior within 18 months of enactment of the Park Act and provides the Secretary 6 months to accept the agreement. Other requirements include:

The leasehold must continue for a period of 99 years;

No rentals or other payments by the United States to the Zuni Tribe; and

No more than 800 acres of the Zuni Indian Reservation are to be included.

As a result of concerns by some tribal members, Zuni Pueblo Governor Robert Lewis and the Tribal Council decided to have an election on the issue of establishing the park on the basis of the 1988 legislation.

On January 30, 1988, the Zuni Tribe held an election on the park issue. The result of this election was that 863 Zuni voters cast votes against the park concept and 125 voted in favor of the leasehold and proceeding with the park.

As a result of this election, actions by the National Park Service to proceed with operational agreements have been terminated. The area is not now being managed as a unit of the National Park System. The Zuni tribal governor has indicated that a legislative amendment would be an acceptable method to provide more time for the Zuni people to evaluate and decide on what basis the park might be acceptable to them.

We support a 5-year extension in sections 2 and 6 of Public Law 100-567 so that the Zuni people will have a reasonable time period to determine if and how the park would be acceptable.

Mr. Chairman, this concludes my comments. I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2430, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT To authorize the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zuni-Cibola National Historical Park Establishment Act of 1988".

SEC. 2 ESTABLISHMENT OF PARK.

(a) ESTABLISHMENT.—In order to preserve and protect for the benefit of present and future generations certain nationally significant historical, archeological, cultural, and natural sites and resources associated with the Zuni Tribe, and in order to assist members of the Zuni Tribe in preserving and interpreting their tribal culture, there is hereby established the Zuni-Cibola National Historical Park. The park shall consist of lands with respect to which the Secretary of the Interior has accepted a leasehold pursuant to section 3 of this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of publication by the Secretary, pursuant to section 3 of this Act, of a notice that the Secretary has accepted a leasehold interest that meets the requirements of this Act.

(c) TERMINATION.—This section shall terminate and shall be ineffective [24 months] *6 years* after the date of enactment of this Act unless prior to the end of such [24-mont] *6-year* period the Secretary has published a notice of acceptance of a leasehold pursuant to section 3 of this Act.

SEC. 3. ACQUISITION OF LEASEHOLD.

(a) AUTHORITY OF SECRETARY.—If, no later than [18 months] *5½ years* after the date of enactment of this Act, the Zuni Tribe, after consultation with the Bureau of Indian Affairs, offers to the Secretary a leasehold interest in trust lands of the Zuni Indian Reservation, in New Mexico, meeting the requirements of this Act, the Secretary is authorized and directed to accept such leasehold on behalf of the National Park Service and to publish in the Federal Register a notice of such acceptance.

* * * * * *